



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,812	02/27/2004	David W. Proctor	MSFT-2871/307103.01	7342

41505 7590 12/27/2007

WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION)

CIRA CENTRE, 12TH FLOOR

2929 ARCH STREET

PHILADELPHIA, PA 19104-2891

EXAMINER

KUMAR, ANIL N

ART UNIT

PAPER NUMBER

2174

MAIL DATE

DELIVERY MODE

12/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/788,812

**Applicant(s)**

PROCTOR ET AL.

**Examiner**

ANIL N. KUMAR

**Art Unit**

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-2, 4-20, 22-31 and 33-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-20, 22-31 and 33-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is in response to the amendment filed on October 26th, 2007. Claims (1-2, 4-20, 22-31 and 33-49) are pending and have been considered below.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-7, 10-15, 20, 22, 28-31, 33-35, 38-40 and 46-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adatia et al. (US 2003/0112262 A1) in view of Ejima et al. (US 6,259,469 B1) .

Claims 1, 20, 30, 48 and 49: Adatia et al. disclose, a user interface mechanism for switching among at least two modes in a media device having a media screen for displaying data relating to media content, modes of operation of the media device including a first mode for interacting with the media device when the media content relates to music and a second mode for interacting with the media content when the media content relates to image content (i.e. ...providing a multi-sized user interface, separating a user interface into two control regions,

providing a pop-out control panel, providing a graphical play list indicator...

paragraph [0004] and Figs. 1-2), comprising: but does not disclose,

- at least one component movable between a first position corresponding to the first mode and a second position corresponding to the second mode, wherein when said at least one component is moved to the first position, the media screen of the media device is substantially shielded from view, wherein when said at least one component is moved to the first position, a portion of the media screen remains unshielded from view.

However, Ejima et al. discloses, an Information processing device , and discusses various uses of the media screen, such as, when the LCD cover 14 is closed, as shown in FIG. 5(c), only the LCD switch 25 is placed in the "OFF" state, but the Power switch 11 is still ON, so that other functions (Telephone, Fig. 27) can still be performed (col 6 lines 13-29 and Fig. 2 and Fig. 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time to provide this feature, as taught by Ejima et al., to fully or partially protect the screen, by sliding the cover to a partial position when using the multi-sized user interface, in Adatia et al. One would be motivated to provide the feature that protects the display screen, if the sole purpose of the apparatus is not just viewing the screen.

Claims 2 and 31: Adatia et al. and Ejima et al. disclose, a user interface mechanism for switching among at least two modes in a media device as in

Claims 1 and 30, above. Furthermore Adatia et al. disclose, wherein said image content of the second mode includes at least one of video content and image content (i.e. ... integrating the graphics into the unit facilitates the development of visual effects... This approach also enables the unit to apply special effects to the video display... paragraph [0061]).

Claims 4 and 33: Adatia et al. and Ejima et al. disclose a user interface mechanism for switching among at least two modes in a media device as in Claims 1 and 30, above. Furthermore Adatia et al. disclose, wherein the unshielded portion of the media screen displays at least one of metadata relating to music being rendered and advertising.(i.e. ... providing a graphical play list indicator... paragraph [0004]).

Claims 5, 22 and 34: Adatia et al. and Ejima et al. disclose, a user interface mechanism for switching among at least two modes in a media device as in Claims 3 and 30, above. Furthermore Adatia et al. disclose, wherein said at least one component includes a plurality of user interface controls for interacting with the media content (see Figs. 1-2).

Claims 6 and 35: Adatia et al. and Ejima et al. disclose, a user interface mechanism for switching among at least two modes in a media device as in Claims 5 and 34, above. Furthermore Adatia et al. disclose, wherein said plurality

of user interface controls for interacting with the media content include at least one of Escape, Start, Options, More, OK, Back, Forward, Play, Pause, Up, Down, Fast Forward, Reverse, Skip Forward, Skip Backwards, Menu, Left, Right, Mute, Volume Up and Volume Down functional controls (see Figs. 1-2).

Claim 7: Adatia et al. and Ejima et al. disclose, a user interface mechanism for switching among at least two modes in a media device as in Claim 5, above. Furthermore Adatia et al. disclose, wherein said plurality of user interface controls is applicable to both the first and second modes (see Figs. 1-2).

Claim 10 and 38: Adatia et al. and Ejima et al. disclose, a user interface mechanism for switching among at least two modes in a media device as in Claims 5 and 34, above. Furthermore Adatia et al. disclose, wherein said at least one component is augmentable with at least one alternate component (Fig. 2).

Claim 11 and 39: Adatia et al. and Ejima et al. disclose, a user interface mechanism for switching among at least two modes in a media device as in Claims 10 and 38, above. Furthermore Adatia et al. disclose, wherein said at least one alternate component at least one of (A) exposes additional user interface controls not provided by said at least one component alone and (B) alters the functionality of said plurality of user interface controls (i.e. ... When the

user pops this panel out, it reveals an additional set of hardware-like controls... paragraph [0032] and Fig. 2).

Claims 12-15 and 40: Adatia et al. and Ejima et al. disclose, a user interface mechanism for switching among at least two modes in a media device as in Claims 1 and 30, above. Furthermore, Ejima et al. disclose, wherein said at least one component includes a first component, wherein the first component substantially surrounds an end of the media device, such that when the first component is moved substantially towards the middle of the media device from the end, the media screen of the media device is substantially shielded and said at least one component is located at the first position (see Figs. 2-3), but does not explicitly show a dual enclosure system. Therefore, it would have been obvious to one having ordinary skill in the art at the time to provide a feature, as taught by Ejima et al., to enclose the screen by splitting the cover portion in half, and make it slide from top and bottom as well, in Adatia et al. One would be motivated to provide a single or dual enclosure system to safe guard the screen, when not in use.

Claims 28 and 29: Adatia et al. and Ejima et al. disclose, a user interface mechanism for switching among at least two modes in a media device as in Claims 1 and 30, above. Furthermore, Ejima et al. disclose, a first sliding mechanism for engaging a second sliding mechanism of the portable media

player, the first and second sliding mechanisms together enabling sliding of the at least one interchangeable wing to a closed position wherein the media screen is substantially hidden with a portion of the media screen remaining visible and for sliding the at least one (see Figs. 2-3). Therefore, it would have been obvious to one having ordinary skill in the art at the time to provide a feature, as taught by Ejima et al., to enclose the screen by a sliding mechanism, in Adatia et al. One would be motivated to provide a sliding mechanism, as it is convenient to open and close the screen, without removing the cover.

Claims 46 and 47: Adatia et al. and Ejima et al. disclose, a user interface mechanism for switching among at least two modes in a media device as in Claim 30, above. Furthermore Adatia et al. disclose, computing device and computer readable medium comprising computer executable modules (i.e. ... It runs as an application on a computer running an operating system such as Windows or Linux... paragraph [0028]).

4. Claims 8-9, 19, 23-24, 36-37 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adatia et al. (US 2003/0112262 A1) in view of Ejima et al. (US 6,259,469 B1) and further view of Ditzik (US 2001/0030850 A1).

Claims 8 and 36: Adatia et al. and Ejima et al. disclose, a user interface mechanism for switching among at least two modes in a media device as in



Claims 5 and 34, above, but does not teach, wherein said at least one component is swappable with at least one alternate component. However, Ditzik discloses, a handset 14 may operate roughly equivalent to conventional cellular telephone handsets (paragraph [0044] and Fig. 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time to provide, as taught by Ditzik, swappable components, in modified Adatia et al. One would be motivated to provide swappable component as a portable electronic device is expected to have multiple uses in a networked, wireless environment.

Claims 9 and 37: Adatia et al. and Ejima et al. disclose, a user interface mechanism for switching among at least two modes in a media device as in Claims 8 and 36, above. Furthermore Ditzik discloses, wherein said at least one alternate component exposes a different set of user interface controls than provided by said at least one component (i.e. ... handset 14 may operate roughly equivalent to conventional cellular telephone handsets... paragraph [0044] and Fig. 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time to provide, as taught by Ditzik, swappable components, in modified Adatia et al. One would be motivated to provide swappable component as a portable electronic device is expected to have multiple uses in a networked, wireless environment.

Claims 19 and 45: Adatia et al. and Ejima et al. disclose, a user interface mechanism for switching among at least two modes in a media device as in Claims 1 and 30, above. Furthermore Ditzik discloses, wherein the at least one component include a wallet structure wherein the media screen is inside the wallet structure, such that the wallet structure is in the first position when the wallet structure is closed and the wallet structure is in the second position when the wallet structure is open (Fig. 31). Therefore, it would have been obvious to one having ordinary skill in the art at the time to provide, as taught by Ditzik, a wallet structure, in modified Adatia et al. One would be motivated to provide a wallet structure where the embodiment is small, so that the screen can be protected when the media player is carried around like a wallet.

Claim 23: Adatia et al. and Ejima et al. disclose, a user interface mechanism for switching among at least two modes in a media device as in Claim 20, above. Furthermore Adatia et al. disclose, (2) the functionality provided by a wing of the at least one wing is augmentable with a sleeve, wherein the sleeve provides alternate functionality (see Figs. 1-2), but does not disclose, (1) a wing of the at least one wing is interchangeable with an alternate wing, wherein the alternate wing provides alternate functionality. However, Ditzik discloses interchangeable components (i.e..... Alternatively, cover section 8 consist of the handset itself... paragraph [0037] and Fig. 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time to provide, as taught by Ditzik, an

interchangeable component with additional features, in Adatia et al. One would be motivated to provide additional related features like a PC connectivity or a wireless interface, as it is very useful for the user to have integrated set of features and not having to carry multiple disparate components.

Claim 24: Adatia et al. and Ejima et al. disclose, a user interface mechanism for switching among at least two modes in a media device as in Claim 23, above. Furthermore Ditzik discloses, wherein alternate functionality includes at least one of noise reduction/cancellation, Bluetooth headphone accommodation, microphone input, TV input, TV output, left handed switching of functionality, remote control functionality and a speaker (i.e..... The handset may have retractable antenna, small speaker, keypad, built-in microphone and a battery source... paragraph [0037] and Fig. 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time to provide, as taught by Ditzik, alternate features, in Adatia et al. One would be motivated to provide alternate related features like a PC connectivity or a wireless interface, as it is very useful for the user to have integrated set of features and not having to carry multiple disparate components.

5. Claims 16-18, 25-27 and 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adatia et al. (US 2003/0112262 A1) in view of Ejima et al. (US 6,259,469 B1), and in further view of Narayanaswami (US 2001/0013890 A1) .

Claims 16, 27 and 41: Adatia et al. and Ejima et al. disclose, a user interface mechanism for switching among at least two modes in a media device as in Claims 1, 20 and 30, above, but does not disclose, wherein the media device includes a synchronization component adapted to synchronize with a docking station whether said at least one component is in the first position or the second position. However, Narayanaswami discloses, media device that include synchronization component (i.e..... system is shown which includes a PDA 100 and an interface adapter or a cradle... paragraph [0028] and Fig. 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time to provide, as taught by Narayanaswami, a synchronization component, in modified Adatia et al. One would be motivated to provide a synchronization or base component with their basic media player, because often users would like to have the capabilities generally provided by modem, a digital scanner, a digital camera, videophone, etc., integrated in their compact portable system.

Claims 17, 25, 42 and 44: Adatia et al. and Ejima et al. disclose, a user interface mechanism for switching among at least two modes in a media device as in Claims 1, 20 and 30, above, but does not disclose, wherein the at least one component include a first component including the media screen, at least one roller component and a second component, wherein said first component and said second component are pivotable about an axis substantially defined by the

longitudinal axis of said at least one roller component, whereby with said at least one roller component, the media screen of the first component can be arbitrarily angled with respect to the second component. However, Narayanaswami discloses, media device that includes a roller component and the screen component can be angled (i.e..... cradle 112 includes a stand 156 which is adjustable to permit variation in the angle at which cradle 112 rests on a surface... paragraph [0039] and Fig. 5). Therefore, it would have been obvious to one having ordinary skill in the art at the time to provide, as taught by Narayanaswami, a mechanism to arbitrarily angle the screen component, in modified Adatia et al. One would be motivated to provide a pivotable screen, as it be necessary to use the screen display at different angles so that the user can view the screen placed on a table, while sitting down.

Claims 18 and 43: Adatia et al. and Ejima et al. disclose, a user interface mechanism for switching among at least two modes in a media device as in Claims 1 and 30, above, but does not disclose, wherein the at least one component include a first component including the media screen, at least one roller component and a second component', wherein said at least one roller component substantially operates as a hinge for said first component and said second component about which the first and second component pivot, whereby said at least one roller component includes at least one user interface control that operates by at least one of (A) turning the at least one roller component

substantially about a longitudinal axis of said at least one roller component, (B) sliding the at least one roller component substantially along the longitudinal axis and (C) receiving a selection of a button control on an end of the at least one roller component. However, Narayanaswami discloses, (A) turning the at least one roller component substantially about a longitudinal axis of said at least one roller component (i.e..... Positioner 158 permits rotation of lens 132 to allow versatility in capturing images... paragraph [0039] and Fig. 5), (B) sliding the at least one roller component substantially along the longitudinal axis (i.e.....Cradle 112 adjusts by releasing a locking mechanism (not shown) to permit sides 144 to translate relative to each other as indicated by arrows "A" and "B" ... paragraph [0033] and Fig. 2) and (C) receiving a selection of a button control on an end of the at least one roller component (i.e..... Included are a shutter release 118... paragraph [0030] and Fig. 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time to provide, as taught by Narayanaswami, a rotating component with additional features, in modified Adatia et al. One would be motivated to make use of the rotation component, because it would be essential to be able to rotate the screen with respect to the camera in a typical Video telephone or teleconferencing application.

Claim 26: Adatia et al. and Ejima et al. disclose, a user interface mechanism for switching among at least two modes in a media device as in Claim 20, above, but does not disclose, wherein said at least one wing comprises two wings that slide

outward from the media screen to reveal the media screen in the open position, and wherein the two wings operate as a stand for the portable media player. However, Narayanaswami discloses, a media device that multiple components and one of which could be used as a stand (see Fig. 6). Therefore, it would have been obvious to one having ordinary skill in the art at the time to provide, as taught by Narayanaswami, a mechanism to use one of the components of the media player as a stand, in modified Adatia et al. One would be motivated to provide a stand for a media player so that the display screen is easy visible to more than one person for a long duration of time.

### ***Response to Arguments***

1. Applicant's arguments filed on October 26th, 2007 have been fully considered but they were found not persuasive.

A. Applicant argues, in the amended independent claim 1, "Ditzik does not disclose, wherein when said at least one component is moved to the first position, a portion of the media screen remains unshielded from view" The Examiner maintains the rejection, points out, this is moot in view of new rejection.

- B. Applicant argues, "Ejima does not teach that the LCD remains unshielded from view when cover 14 is closed". The Examiner agrees that the LCD remains shielded from view when cover 14 is closed. However, the Examiner maintains the rejection, as there is nothing to prevent from partial closer, by sliding only part way up, there by allowing the LCD to be partially open. Note this could be very well be a reasonably expected way of implementation of Adatia et al.'s invention, especially since it is multi-sized user interface (Figs. 18-22).
- C. Applicant argues, "Narayanaswami does not teach or suggest any means for shielding a display". The Examiner maintains the rejection, and points out, this is moot in view of new rejection.
- D. Applicant argues, "Adatia's user interface control would be inoperable for its intended purpose if suggested combination were made". The Examiner disagrees and maintains the rejection. Adatia et al. expressly states that the invention is purely software and that it can be implemented on any computers (the methods of implementing virtual hardware devices (e.g., virtual buttons and volume controls) using a mouse as a pointing device are well known, paragraph [0019]).

### **Conclusion**



2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil N. Kumar whose telephone number is (571) 270-1693. The examiner can normally be reached on Wednesdays and alternate Mon-Tue and Thu-Fri EST (Alternate Mon-Tue and Thu-Fri off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Art Unit: 2174

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ANK

12/14/2007

**/David A Wiley/**

**Supervisory Patent Examiner, Art Unit 2174**